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09/918,181	07/30/2001	Alan Tsu-I Yaung	STL920000093US1	2692

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EXAMINER

NGUYEN, TRONG NHAN P

ART UNIT PAPER NUMBER

2152

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/918,181

Applicant(s)

YAUNG, ALAN TSU-I

Examiner

Jack P. Nguyen

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This action is in response to Applicant's amendment filed on 1/24/05. Claims 1-42 are being examined.

#### ***Response to Arguments***

Applicant's arguments filed on 1/24/05 have been fully considered but they are not persuasive. Therefore, the rejection to claims 1-42 is maintained.

Applicant argues in the remarks that Gabbita does not disclose or suggest, "determining the number of work items assigned to each user capable of being assigned the work item and then selecting one user based on the number of work items assigned to the users", as recited in claims 1, 15 and 29. Examiner respectfully traverses Applicant's remarks.

Gabbita teaches a system and method for managing the workflow for processing Service Orders among a variety of organizations within a telecommunications company, wherein using Resource hierarchy tables stored in the database 104, the workflow management server LSAT 102 (*Local Services Activity Tracker*) schedules and assigns appropriate Resources (*e.g., computer systems, groups or individual users, etc.*) to perform the activities or tasks associated with each work flow step based on current work load and availability (*selecting one user based on current work load and availability, i.e., determining the number of work items assigned to each user capable of being assigned the work item and then selecting one user based on the number of work items assigned to the users*). Gabbita also teaches LSAT 102 preferably uses two

methods of assigning Work Steps to individual user Resources (*which are referred to as Fixed and Round Robin distribution methods*) while other specific methods used to implement these functions would be apparent to persons skilled in the relevant art(s) (col. 10, lines 20-39). Hence, Gabbita does disclose “determining the number of work items assigned to each user capable of being assigned the work item and then selecting one user based on the number of work items assigned to the users”, as recited in claims 1, 15 and 29.

Applicant further argues that Gabbita does not disclose or suggest, “...determining the number of work items assigned to each user includes active work items assigned to the user in workflows other than the current work flow.” Examiner respectfully traverses Applicant’s remarks. Gabbita explicitly discloses as the LSAT assigns pending new work items to the resource, the system schedules the new work items in the workflow In-box of the resource to be executed sometime in the future; the system then informs the resource when to accomplish the task by notifying the resource the due date of the tasks; by viewing the In-box, the resource can determine the work items the system has scheduled for the resource in the workflow other than the current workflow that the resource is actively engaging in (col. 10, line 66 – col. 11, line 9; col. 11 lines 16-17; col. 13, lines 7-9).

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-5, 15-19, and 29-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Gabbita et al, 6,349,238 (Gabbita hereafter).**

As per claims 1, 15, and 29, Gabbita teaches a method, a system, and an article of manufacture including code for assigning a work item for one of a plurality of nodes in a workflow to at least one of a plurality of users capable of performing workflow related operations at the nodes (abstract), comprising: a storage device (102, fig. 1B); a database in the storage device to store plurality of workflows, work items, nodes, etc., that associate with the processing and tracking of orders (col. 4, lines 56-59; database (104, fig. 1b) stores all the workflow data as well the tracking of orders); processing a node in a current workflow, wherein a current work item is associated with the processed node (col. 2, lines 32-33; each work item (or task) in a workflow is assigned a resource (or processing node) to work on the item); determining users capable of being assigned the current work item (col. 10, lines 26-29; LSAT assigns tasks to a resource depends on the resource's workload and availability); for each determined user, determining a number of work items other than the current work item assigned to the user (col. 10, lines 20-29; see above Response to Arguments section); selecting at least one determined user based on the determined number of work items assigned to the determined users; and assigning the current work item to the at least one determined user (col. 10, lines 20-29; LSAT determines, selects, and assigns work assignments or tasks to a resource (or user) based on the user's current workload and availability).

As per claims 2-3, Gabbita teaches the determined active work items are assigned to each user from a plurality of workflows and active work items are not current work items (col. 10, line 66 – col. 11, line 9; col. 11 lines 16-17; col. 13, lines 7-9; see Response to Arguments section for more details).

As per claims 4-5, Gabbita teaches the determined users comprise users on an access list associated with the current workflow; determining work items for which the user has exclusive access (col. 6, lines 52-57; users from different business areas that have exclusive access to work on tasks); and determining work items that are not owned by another user and that are associated with an access list that includes the user (col. 10, lines 27-29; system determines and assigns work item to appropriate resource based on user's workload and availability).

Claims 16-17 and 30-31 are variations of claims 2-3 with no further limitation. They are, therefore, rejected for similar reasons as claims 2-3 addressed above.

Claims 18-19 and 32-33 are variations of claims 4-5 with no further limitation. They are, therefore, rejected for similar reasons as claims 4-5 addressed above.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 6-14, 20-28, and 34-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabbita et al, 6,349,238 (Gabbita hereafter).**

As per claims 6-7, 10, Gabbita teaches a user (or user1) in an originating department creating a service order (204, fig. 2) that includes a priority (e.g., customer committed due date) assigned to the work item in the order (col. 9, line 35). The system then determines the priority related to the work item entered by user1 (col. 9, lines 39-42). Gabbita further teaches the system identifies all the work items (tasks) and the time required to complete the tasks (col. 9, lines 47-50). When the service order includes tasks that have high priorities as defined by user1, the system assigns it a processing priority (col. 10, lines 16-17) in the workflow and appoints an appropriate user (or user2) based on the user's workload and availability to work on the service order (col. 10, lines 27-29). Gabbita does not explicitly disclose creating an index value for each user based on task priority and using the index to select the user to assign the new work item. However, it would have been obvious to one of ordinary skill in the art at the time of the invention to be motivated to introduce a modified variation of Gabbita teachings for determining and assigning available resource (user2) to work on tasks based on the user's workload and the priorities of the tasks in order to expedite and complete the service order on time as promised to the customer as disclosed by Gabbita in [col. 10, lines 4-7.]

As per claims 8-9, Gibbita teaches receiving a user defined priority, wherein the priority is the priority related to the work item and user defined priority is for the workflow including the work item assigned to the user (col. 9, lines 30-38; the user requested

priority (indicated by customer requested delivery date 'CRDD') allows the system to set and define the priority of the work items in the workflow; the system uses the priority data to schedule for the completion of tasks and assigns the work to the resources accordingly).

Claims 11-14 are rejected for similar reasons as claims 6-7 addressed above.

Claims 20-21, 24, 34-35 and 38 are variations of claims 6-7 and 10 with no further limitation. They are, therefore, rejected for similar reasons as claims 6-7 and 10 addressed above.

Claims 22-23 and 36-37 recite similar limitations as claims 8-9; therefore, rejected for similar reasons as claims 8-9 addressed above.

Claims 25-28 and 39-42 are variations of claims 8-14 with no further limitation. They are, therefore, rejected for similar reasons as claims 8-14 addressed above.

Prior arts that are not used for the rejection: US Pat 6,338,074; 6,073,109;  
6,853,974; 6,606,740; 6,151,583; 5,826,239

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not



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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack P. Nguyen whose telephone number is (571) 272-3945. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jpn



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